



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Pat Quinn, Governor  
Marc Miller, Director

February 14, 2012

Mr. Scott Kuykendall  
Hey & Associates, Inc.  
26575 W. Commerce Drive, Suite 601  
Volo, IL 60073

**RE: Nippersink Preserve Trail Extension, Round Lake, Lake County  
Endangered Species Consultation Program  
EcoCAT Review #1208869**

Dear Mr. Kuykendall:

Thank you for submitting this proposed action in Township 45 North, Range 10 East, Section 30, to initiate consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

Most of the proposed action lies within the designated Round Lake Marsh Illinois Natural Areas Inventory Site; portions of the proposed action lie near and infringe upon essential habitat for the Black Tern, the Yellow-Headed Blackbird, the Least Bittern, and the Common Moorhen. Therefore it is the opinion of the Department the proposed action is likely to adversely affect the essential habitat of these species.

The Yellow-Headed Blackbird, the Least Bittern, and the Common Moorhen do not usually demonstrate sensitivity to human activities in proximity to their nesting territories, which generally are placed in a manner making it difficult for humans to approach closely enough to stress their occupants. The Black Terns, however, have been known to attack human intruders within 50 yards of their nesting sites, including incidents reported at this location.

The element of the proposed action most likely to provoke this response is the crossing of Wetland #5, where the trail will most closely approach potentially suitable nesting areas for this species. However, the last time this species was reported to the Department as nesting at this location was in 2002, and the proportion of suitable habitat encompassed by a radius of 50 yards is a very small portion of the available habitat, rendering it less likely that intrusion on a nesting territory of this species might occur. The Department believes that a prohibited “take” of this species, consisting of harassment of a nesting pair through use of the trail is quite unlikely, but not impossible.

*The Department recommends the Forest Preserve District consider placing signs on either side*

*of the crossing containing paintings of the Black Tern and post a phone number so that trail users can report attacks or harassment by birds fitting that description. (Redwing Blackbirds have been known to exhibit the same behavior, but they are not a state-listed endangered species.) If credible reports are received, efforts should be made to confirm nesting of Black Terns in the vicinity. If this species is present, then that portion of the trail should be temporarily closed until hatchlings are fledged and the threat of unintended harassment is past.*

Consultation on the part of the Department is terminated, unless additional information or advice related to this proposal is desired. In accordance with 17 Ill. Adm. Code 1075.40(h), the District and/or Stormwater management Commission must notify the Department of its decision regarding these recommendations, whether it will:

- Proceed with the action as originally proposed;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action. Please contact me if you have questions regarding this review.

Sincerely,



Keith M. Shank  
Impact Assessment Section  
Division of Ecosystems and Environment  
[keith.shank@illinois.gov](mailto:keith.shank@illinois.gov)  
(217) 785-5500

cc: Brad Semel, IDNR/Region II/Natural Heritage